

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **CARLIN G. BARTSCHI, M.D.,**

4 Holder of License No. **9497**
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Board Case No. MD-09A-9497-MDX

**FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER**
(License Revocation)

7 On August 5, 2009, this matter came before the Arizona Medical Board ("Board")
8 for oral argument and consideration of the Administrative Law Judge (ALJ) Thomas
9 Shedden's proposed Findings of Fact and Conclusions of Law and Recommended Order.
10 Carlin Bartschi M.D., ("Respondent") did not appear before the Board, Assistant Attorney
11 General Anne Froedge, represented the State. Chris Munns, Assistant Attorney General
12 with the Solicitor General's Section of the Attorney General's Office, was present and
13 available to provide independent legal advice to the Board.

14 The Board, having considered the ALJ's decision and the entire record in this
15 matter, hereby issues the following Findings of Fact, Conclusions of Law and Order.

16
17 **FINDINGS OF FACT**

18 1. The Arizona Medical Board ("the Board") is the duly constituted authority for
19 licensing and regulating the practice of allopathic medicine in the State of Arizona.

20 2. Carlin G. Bartschi, M.D. is the holder of License No. 9497 issued by the Board for
21 the practice of allopathic medicine in Arizona.

22 3. On May 21, 2009, the Board issued a Complaint and Notice of Hearing setting
23 this matter for hearing at 9:00 a.m. July 15, 2009.
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1 4. No representative appeared for Dr. Bartschi at the scheduled time and the
2 Administrative Law Judge convened the hearing in his absence at about 9:35 a.m.

3 5. The Board had 10 exhibits entered into evidence.

4 6. After a jury trial, Dr. Bartschi was convicted of multiple felonies. See Exhibit 1
5 (Indictment and Jury Verdict). On October 20, 2008, Dr. Bartschi was sentenced to 51
6 months in prison. See Exhibit 8 (Judgment), which is incorporated in this Decision by
7 reference.

8 7. The United States Attorney's Office recommended that a severe sentence be
9 imposed on Dr. Bartschi because of "the scope and duration of his indicted conduct, his
10 post-indictment criminal activities, and his overall disdain for the law...." See Exhibit 10
11 (Sentencing Memorandum).

12 8. The Board requests a stayed revocation of Dr. Bartschi's License.

13
14 **CONCLUSIONS OF LAW**

15 1. The Board has jurisdiction over Respondent and the subject matter in this case.

16 2. The Board has the burden of persuasion. A.R.S. § 41-1092.07(G)(2)

17 3. The burden of proof on all issues that of the preponderance of the evidence.
18 A.A.C. R2-19-119(A).

19 4. A preponderance of the evidence is "[e]vidence which is of greater weight or
20 more convincing than the evidence which is offered in opposition to it; that is, evidence
21 which as a whole shows that the fact sought to be proved is more probable than not."
22 BLACK'S LAW DICTIONARY 1182 (6th ed. 1990).

23 5. The preponderance of evidence shows that Dr. Bartschi has been convicted of
24 multiple felonies, each of which constitutes an act of unprofessional conduct under A.R.S.
25

1 § 32-1401(27)(d). Consequently discipline against Dr. Bartschi's license is appropriate.
2 See A.R.S. § 32-1451(M).

3 **ORDER**

4 Based on the foregoing the Board orders that on the effective date of the Order
5 entered in this matter, Dr. Carlin G. Bartschi's License No. 9497 is revoked.

6 Pursuant to A.R.S. § 32-1451(M), Respondent shall be charged the costs of formal
7 hearing. Respondent shall submit payment of those costs within ninety (90) days from
8 receipt of a bill or invoice from the Board.

9 **RIGHT TO PETITION FOR REHEARING OR REVIEW**

10 Respondent is hereby notified that he has the right to petition for a rehearing or
11 review. The petition for rehearing or review must be filed with the Board's Executive
12 Director within thirty (30) days after service of this Order. A.R.S. § 41-1092.09(B). The
13 petition for rehearing or review must set forth legally sufficient reasons for granting a
14 rehearing or review. A.A.C. R4-16-103. Service of this order is effective five (5) days after
15 date of mailing. A.R.S. § 41-1092.09(C). If a petition for rehearing or review is not filed,
16 the Board's Order becomes effective thirty-five (35) days after it is mailed to Respondent.
17

18 Respondent is further notified that the filing of a motion for rehearing or review is
19 required to preserve any rights of appeal to the Superior Court.

20 DATED this 5TH day of August, 2009.



THE ARIZONA MEDICAL BOARD

By 
Lisa S. Wynn
Executive Director

1 ORIGINAL of the foregoing filed this
2 5th day of August, 2009 with:

3 Arizona Medical Board
4 9545 East Doubletree Ranch Road
5 Scottsdale, Arizona 85258

6 COPY OF THE FOREGOING FILED
7 this 5th day of August, 2009 with:

8 Cliff J. Vanell, Director
9 Office of Administrative Hearings
10 1400 W. Washington, Ste 101
11 Phoenix, AZ 85007

12 Executed copy of the foregoing
13 mailed by U.S. Mail this
14 5th day of August, 2009 to:

15 Carlin G. Bartschi, M.D.
16 Address of Record

17 Anne Froedge
18 Assistant Attorney General
19 Office of the Attorney General
20 CIV/LES
21 1275 W. Washington
22 Phoenix, AZ 85007

23 
24 _____
25 Arizona Medical Board Staff